

REMARKS

Reconsideration of the Office Action of December 27, 2006, is respectfully requested.

Enclosed herewith is a two month extension of time together with the requisite fee.

In the Office Action claims 1-31 and 41 were treated on the merits while claims 32-40 were withdrawn from consideration. Relative to claims 1-31 and 41, claims 17, 30 and 31 were noted as containing allowable subject matter while claims 1-16, 18-29 and 41 were rejected under the prior art while claims 24 to 31 were also rejected under 35 USC 112, second paragraph.

In the present Amendment, claims 29 and 32 to 37 have been cancelled while new claims 42 to 47 have been added which are considered directed at the earlier elected subject matter. Also, the claims remaining from the group of claims 24 to 31 have been amended to reference the first frame structure so as to render non-applicable the 35 USC 112, second paragraph rejection (which is submitted to be more appropriately classified as a claim formality objection in view of the recognition shown as to the meaning contained in the Office Action).

In the present Amendment, formerly dependent claims 17 and 30 have been rewritten into independent format and thus, coupled with the 112 amendment described above, are respectfully submitted to be in present condition for allowance.

The present amendment also includes amendments to the earlier presented independent claims 1, 20 and 41 directed at a combination of features respectfully submitted not to be disclosed or suggested by the prior art.

In the Office Action, claims 1-16, 18-29 and 41 were rejected under 35 USC 103 as being considered unpatentable over Gavronsky or Sperry '370 in view of Takamatsu. The alternate base references were said in the Office Action to disclose the feed roller set and that Takamatsu disclosed the benefits of providing for separation of nip rollers and their associated supports for providing access to paper sheet jams that might occur in the fax or copy machine of Takamatsu.

In the Office Action it was further set forth, in reference to claims 14-16, 25-27 and 31 that Gavronsky is considered to disclose a heater wire (56) for a bag end seal formation and that Sperry is considered to disclose a heater wire 160 for bag formation end sealer.

In the present amendment, independent claims 1, and 41 currently reference that the first frame structure includes a bag formation end sealer that is supported by the adjustable first frame structure. This feature is not taught by the base references or in the fax or copy machine sheet feeder of Takamatsu. That is Takamatsu fails to disclose or suggest in any fashion the adjustment of an end sealer in association with an adjustment of a first frame structure of a bag forming assembly, which is not surprising in view of its sheet feeder usage. Also, a review of Sperry reveals that its design is ill suited for such a relationship with its edge seal wire as the combined anvil/seal wire combination on the operator side is already readily accessible upon removal of the housing panel and would also be even more accessible with removal of just the roller above that combination even, assuming arguendo, it would have been obvious to modify a base reference with an adjustable roller set based on Takamatsu.

Gavronsky features a torsion spring biased, swinging end seal unit that is placed in the back position and is intended for seal compression relative to the anvil roller to the front. This

same roller set features the motor as well as other attached components. Accordingly, even assuming arguendo a modification to the Gavronsky assembly based on Takamatsu were to be implemented, Takamatsu teaches having the easiest to move roller of the set moved when gaining roller nip access and thus the back roller set with the swinging end sealer would have been kept stationary and thus Gavronsky alone or in combination with Takamatsu also fails to disclose or suggested the claim invention of claims 1 and 41.

Independent claim 20 features a claim arrangement wherein the first frame structure includes a edge sealer that is supported by the adjustable first frame structure. This feature is not taught by the base references or in the fax or copy machine sheet feeder of Takamatsu. That is Takamatsu fails to disclose or suggest in any fashion the adjustment of an edge sealer in association with an adjustment of a first frame structure of a bag forming assembly, which is not surprising in view of its sheet feeder usage.

Sperry features a back positioned edge sealer with air flow heater tube as shown in Figure 12, which like the back positioned swinging end section, would not have been involved in any modification that may be attributed to the Takamatsu reference. Gavronsky features a ribbon addition edge sealer that is arranged to feed ribbon so it bends about the film edge where it is adhered, and thus its structure is ill suited for any modification as may be asserted based on the roller separation of Takamatsu. Accordingly, it is respectfully submitted that claim 20 is not rendered obvious by the asserted references noted above.

Relative to claims 1, 20 and 40 and how they distinguish over the references applied, reference is also made to the discussion in the "Written Opinion Of The International Searching Authority" (copy attached) which notes the inventiveness of the subject matter described above.

New independent claim 47 describes sealing means with both an edge sealer and a bag formation end seal supported on the adjustable frame structure and moveable into a more accessible location upon adjustment of the first frame structure. For the reasons set out above, this claim too is submitted to be allowable over the prior art.

Also, rejoinder of the remaining non-elected dependent claims is also respectfully requested.

Based on the foregoing, it is respectfully submitted that the claims stand in condition for allowance as does the application in its entirety and Applicants look forward to favorable reconsideration at the Examiner's earliest convenience.

If for any reason any fee is deemed required relative to this filing, authorization is given to charge deposit account no. 02-4300 for such fee.

Respectfully submitted,

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